

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Justin M. Orner,)	C/A No.: 1:11-2909-RBH-SVH
)	
Plaintiff,)	
)	
vs.)	REPORT AND RECOMMENDATION
)	
Horry County; Southern Health Care)	
Partners,)	
)	
Defendants.)	
)	

This action has been filed by the Plaintiff, *pro se*, pursuant to 42 U.S.C. § 1983, alleging a violation of his constitutional rights. All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2)(d) (D.S.C.). Because this is a dispositive motion, this report and recommendation is entered for review by the district judge.

Plaintiff's complaint, filed October 27, 2011, alleges Defendants were deliberately indifferent to his medical needs and seeks actual and punitive damages. The court entered an order on January 12, 2012, granting Plaintiff's motion to proceed *in forma pauperis*; directing the Clerk of Court to issue the summons and the United States Marshal to serve the complaint; and advising Plaintiff of his duties in this litigation, including keeping the court apprised of any address changes. [Entry #14]. The January 12, 2012 order was returned as undeliverable to the Clerk of Court's office via United States Postal Service on January 25, 2012. [Entry #17].

It appears that Plaintiff has been released from the custody of the South Carolina Department of Corrections (“SCDC”)¹; however, Plaintiff has failed to provide the court with a new address. Because Plaintiff has failed to apprise the court of his current address, the court has no means of contacting him concerning his case.

Based on the foregoing, it is recommended that this action be dismissed with prejudice, in accordance with Fed. R. Civ. P. 41(b). The Clerk is directed to send this report and recommendation to Plaintiff at his last known address.

If Plaintiff notifies the court within the time set for filing objections to this report and recommendation that he wishes to continue with this case and provides a current address, the Clerk is directed to vacate this report and recommendation and return this file to the undersigned for further handling. If, however, no objections are filed, the Clerk shall forward this report and recommendation to the district judge for disposition.

IT IS SO RECOMMENDED.



January 26, 2012
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**

¹ A search of SCDC incarcerated inmates on <https://sword.doc.state.sc.us/scdc-public/> reveals no information for Plaintiff’s location or otherwise reflect that he is still in the custody of the SCDC.

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).